

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-3015

UNITED STATES OF AMERICA, Appellee,

v.

RODNEY CLASS, Appellant.

**SECOND MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE APPELLEE'S BRIEF**

Pursuant to D.C. Cir. R. 27(h), Appellee, the United States of America, respectfully moves this Court for an additional 14-day extension of time, to and including Monday, February 22, 2016, within which to file its brief in this case. Appellee's brief is currently due on February 8, 2016. This is Appellee's second request for an extension of time. On December 17, 2015, the Court granted a 45-day extension from the original due date of December 24, 2015.

Because Appellant appears *pro se*, the undersigned Assistant United States Attorney has not sought or obtained his consent.

However, Appellant filed an opposition to Appellee's initial request for an extension of time.

The additional extension of time is necessary in large part because review of the record created by the *pro se* appellant has taken more time than undersigned counsel initially estimated, especially to determine whether issues have been preserved for appellate review and to identify uncontested facts relevant to the issues before the Court. In addition, the novel constitutional issues presented by the case have required more extensive research.

Appellee's brief is substantially completed. The additional time requested will allow for completion of the brief and the appropriate levels of supervisory review. Appellant will not be significantly prejudiced by this delay because he is not incarcerated and his period of supervised release is scheduled to expire in March 2016. Counsel apologizes for her misjudgment and any inconvenience it causes the Court or Appellant and *Amicus*.

CONCLUSION

WHEREFORE, the government respectfully requests that its second motion for an extension of time to file its brief, to and including February 22, 2016, be granted.

Respectfully submitted,

CHANNING D. PHILLIPS
United States Attorney

ELIZABETH TROSMAN
Assistant United States Attorney

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 4th day of February, 2016, I have caused a copy of the foregoing second motion for extension of time to be sent by first-class mail to the following address listed on the court docket for Mr. Class:

P.O. Box 435
High Shoals, N.C. 28077

I also caused a copy of the foregoing motion to be served by electronic means, through the Court's CM/ECF system, upon court-appointed amicus curiae:

David W. DeBruin
Jessica Ring Amunson
R. Trent McCotter
Jenner & Block, L.L.P.
1099 New York Ave., N.W.
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/s/

VALINDA JONES
Assistant United States Attorney